| | Case 1:20-cv-00320-DAD-BAM Docume | nt 16 Filed 05/05/20 Page 1 of 2 | |
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| 8 | UNITED STATES DISTRICT COURT | | |
| 9 | EASTERN DISTR | RICT OF CALIFORNIA | |
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| 11 | TRAVON LEON FREEMAN, | Case No. 1:20-cv-00320-DAD-BAM (PC) | |
| 12 | Plaintiff, | ORDER DENYING PLAINTIFF'S MOTION FOR DISCOVERY AS PREMATURE | |
| 13 | v. | | |
| 14 | PFEIFFER, et al., | (ECF No. 11) | |
| 15 | Defendants. | | |
| 16 | | | |
| 17 | Plaintiff Travon Leon Freeman ("Plaintiff") is a state prisoner proceeding <i>pro se</i> in this | | |
| 18 | civil rights action under 42 U.S.C. § 1983. | | |
| 19 | On April 30, 2020, Plaintiff filed a motion to depose Defendant Pfeiffer and CDCR | | |
| 20 | Secretary Ralph Diaz, who is not named in this action. (ECF No. 11.) | | |
| 21 | Plaintiff's motion for discovery is premature and shall be denied without prejudice. | | |
| 22 | Plaintiff's application to proceed <i>in forma pauperis</i> was denied, (ECF No. 9), and Plaintiff has | | |
| 23 | not yet paid the filing fee in full as required to proceed in this action. In addition, the Court has | | |
| 24 | not screened Plaintiff's complaint to determine whether it is subject to dismissal or whether the | | |
| 25 | action should proceed to discovery on Plaintiff's claims. 28 U.S.C. § 1915(e)(2)(B)(ii) | | |
| 26 | ("Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall | | |
| 27 28 | ¹ Plaintiff has filed an interlocutory appeal of proceed <i>in forma pauperis</i> , which is currently | 1 _1 | |

| claim upon which relief may be granted.") The complaint has not been ordered see defendants have appeared, and discovery has not been opened. | | |
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| claim upon which relief may be granted.") The complaint has not been ordered so defendants have appeared, and discovery has not been opened. Accordingly, Plaintiff's motion for discovery, (ECF No. 11), is HEREBY without prejudice, as premature. IT IS SO ORDERED. Dated: May 5, 2020 / Isl Bulus A. McAuld UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MAGISTRA 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 | 2 of 2 | |
| defendants have appeared, and discovery has not been opened. Accordingly, Plaintiff's motion for discovery, (ECF No. 11), is HEREBY without prejudice, as premature. IT IS SO ORDERED. Dated: May 5, 2020 /s/ Barlana A. McAulia UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MAGISTRA 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 | dismiss the case at any time if the court determines that the action or appeal fails to state | |
| Accordingly, Plaintiff's motion for discovery, (ECF No. 11), is HEREBY without prejudice, as premature. IT IS SO ORDERED. Dated: May 5, 2020 | claim upon which relief may be granted.") The complaint has not been ordered served, no | |
| without prejudice, as premature. IT IS SO ORDERED. Dated: May 5, 2020 Is Barlana A. Mchula UNITED STATES MAGISTRA UNITED STATES MAGISTRA In the state of | defendants have appeared, and discovery has not been opened. | |
| 11 IS SO ORDERED. Dated: May 5, 2020 S Barlana A. McAulic UNITED STATES MAGISTRA UNITED STATES MAGISTRA 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 10 10 10 10 10 10 10 1 | Accordingly, Plaintiff's motion for discovery, (ECF No. 11), is HEREBY DENIED, | |
| TI IS SO ORDERED. Dated: May 5, 2020 Is Baskas A. McAuli UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MAGISTRA UNITED STATES MA | without prejudice, as premature. | |
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